

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GRIFFIN INDUSTRIES, INC.,

Plaintiff,

08 civ. 8489 (JSR)

- v -

NORFOLK L.P., HILTVEIT ASSOCIATES INC.,  
ZAREPTA CHEMICAL KS, MORTEN WERRINGS  
REDERI AS, CARL OLSENS TANKREDERI A/S,  
CARDIFF, INC. AND DUNDEE LTD.,

Defendants,

- v -

MANUFACTURERS AND TRADERS TRUST  
COMPANY, AS TRUSTEE, BFC ASSETS, INC., AND  
LANDESBANK HESSEN-THÜRINGEN  
GIROZENTRALE

Intervenor-Plaintiffs

- v -

NORFOLK L.P., HILTVEIT ASSOCIATES INC.,  
CARDIFF, INC. AND DUNDEE LTD.

Intervenor-Defendants

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**STIPULATION AND ORDER**

It is stipulated and agreed between counsel for NORFOLK L.P., HILTVEIT ASSOCIATES INC., CARDIFF, INC. AND DUNDEE LTD. (collectively, the "Hiltveit Defendants") and counsel for MANUFACTURERS AND TRADERS TRUST COMPANY, AS TRUSTEE, BFC ASSETS, INC., AND LANDESBANK HESSEN-THÜRINGEN GIROZENTRALE (collectively, the "Intervenor-Plaintiffs"), subject to the approval of the Court manifested by a "So Ordered" endorsement, as follows:

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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11-23-09

1. The Court's November 5, 2009 Order & Judgment vacating the attachment in this action may result in a situation where the attached funds, consisting of two electronic funds transfers, are not remitted to the intended beneficiary and are instead transferred to a non-party to this matter who has asserted no claim to such funds;

2. The funds attached in this matter, consisting of \$309,613.88 attached at JP Morgan Chase and a further \$3,356.17 attached at Bank of NY Mellon, and totaling \$312,970.05 (the "Attached Funds"), should be released into the escrow account of Intervenor-Plaintiffs' counsel so that they may be remitted to the intended beneficiary;

3. The Hiltveit Defendants and the Intervenor-Plaintiffs agree that once the Attached Funds are received by Intervenor-Plaintiffs' counsel that \$25,000 shall be transferred to the escrow account of the Hiltveit Defendants' counsel in full and final settlement of this matter;

4. The Intervenor-Plaintiffs' shall have no further claim of any nature whatsoever, whether or not related to this matter, to the \$25,000 transferred to the escrow account of the Hiltveit Defendants' counsel in full and final settlement of this matter and the Hiltveit Defendants shall have no claim of any nature whatsoever to the remainder of the Attached Funds transferred to the escrow account of Intervenor-Plaintiffs' counsel;

5. For the avoidance of doubt, the stipulation and the settlement of this case is limited only to the allocation of the Attached Funds and this litigation and is not intended to and shall not be construed as a release of any of the Defendants from any other claim that may now or may in the future be brought by any of the Intervenor-Plaintiffs; and

6. This Stipulation may be executed in counterparts and exchange by facsimile or email with the same force and effect as the original.

Dated: New York, New York

November 18, 2009

BROWN GAVALAS & FROMM LLP  
Attorneys for Defendants  
NORFOLK L.P., HILTVET  
ASSOCIATES INC.,  
CARL OLSENS TANKREDER A/S,  
CARDIFF, INC., and DUNDEE LTD.

By: 

Peter Skoufalos (PS-0105)  
355 Lexington Avenue, 4th Floor  
New York, New York 10017  
Tel: (212) 983-8500  
Fax: (212) 983-5946

WATSON, FARLEY & WILLIAMS (NEW  
YORK) LLP  
Attorneys for Intervenor-Plaintiffs  
MANUFACTURERS AND TRADERS  
TRUST COMPANY, AS TRUSTEE, BFC  
ASSETS, INC., AND LANDESBANK  
HESSENTHÜRINGEN GIROZENTRALE

By: 

Alfred E. Yudes (AY-4152)  
Neil A. Quartaro (NQ-9640)  
1133 Avenue of the Americas, 11th Floor  
New York, NY 10036  
Tel: (212) 922-2200  
Fax: (212) 922-1512

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**ORDER**

The foregoing Stipulation dated November 18, 2009, having been considered by the Court, it is hereby:

ORDERED, that the Garnishee Banks in this action are directed to release any funds attached in this action to the Watson, Farley & Williams (New York) LPP ("WFW") escrow account according to the wire transfer directions supplied to such Garnishee Banks by WFW.

SO ORDERED

Date

11/20/09

U.S.D.J.

